\* BEFORE THE IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE 480 ft. W of c/l of Bennett Road 951 North Marlyn Avenue 15th Election District 5th Councilmanic District Dale A. Poletynski, et ux

Petitioners

\* ZONING COMMISSIONER \* OF BALTIMORE COUNTY

\* Case No. 91-179-A

I INDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \*

The Petitioners herein request a variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 1B02.3.C Baltimore County Zoning Regulations (B.C.Z.R.), to allow a rear yard setback at an angle of 13 ft. to 32 ft. in lieu of 30 ft., as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for a Residential Variance, the subject property, known as 951 N. Marlyn Avenue, zoned D.R. 5.5, having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioners are requesting a variance to allow a rear yard setback at an angle of 13 ft. to 32 ft. in lieu of 30 ft. for an addition for an apartment.

The Petitioners have filed the supporting affidavits, as required by Section 22-26 (b)(1) of the Baltimore County Code. There is evidence in the file or record to indicate that the variance would adversely affect the health, safety and/or general welfare of the public and should, therefore, the relief should not be granted. Specifically, Petitioners' Exhibit No. 2 clearly establishes that the purpose of the requested variance is to establish a second apartment on the subject property where only a single family dwelling house is permitted as a matter of right. There is no

AFFIDAVIT
IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with

That based upon personal knowledge, the following are the facts upon which I/we base the request for

SEE ATTACHED

CNEWLY B. POLETYNSKI AFFIANT (Printed Name)

I HEREBY CERTIFY, this 29 day of October 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared DAL- ANDREW POLETYNSKI & Chery BIANA POLOTYNSKI

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Consult helege October 29, 1990 My Commission Expires: Dec1,1994

basis in the law to permit a two family dwelling unit to be located on the property in question. As indicated by Petitioner's Exhibit No. 2, the sole purpose of the requested variance is to provide for an addition to the house for an apartment for independent living of another individual.

In the opinion of the Zoning Commissioner, it is established that the information and affidavits provide insufficient evidence and facts that the proposed variance request would comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would not result in a practical difficulty and/or unreasonable hardship upon the Petitioner, as the proposed variance is for an illegal use of the subject property. Based upon the information available, the relief should be denied.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore Manuard, 1991 that the Petition for a Zoning Variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 1B02.3.C Baltimore County Zoning Regulations (B.C.Z.R.) to allow a rear yard setback at an angle of 13 ft. to 32 ft. in lieu of 30 ft., in accordance with Petitioners' Exhibit No. 1, is hereby DENIED.

JRH/mmn

Coning Commissioner for Baltimore County

91-179-4

reso of Instrogeni very ai Frankrage aid T et . Glanu blo rege 10 research live to cae yelimad coma chaill comosed yelthoser lack tred yether aid and lack bray born caesiand lancared, comon forms gonishat

Groups bona whook tea wood et Marchalle W I we require the specific of the desimper est such and the seringer est such no as inilytregory ett eausand hattibbs besagary

whise with extra houtibbo with trug blues en our revewed comainer a trothin count est for essenting beau hotfo toom ver bone erest ai growerish hourish 65 est Christian Glow at Grah Colore cell to get to our our door. Also we need a connecting ai chia betauper et T. aturu cout est sesured rook \_\_\_\_\_\_ the cour est sesured rook \_\_\_\_\_ the distribution of the series of the course of the appropriately for a connecting door. The other side Wood unitestines a ref moor an bona convecting door. Vestletically, this addition would look much better from the oritina white requested side.

to the County Government Zining Commissioner the of Planning and Zoning

Enclosed please find the decision rendered in the above captioned

case. The Petition for Residential Variance has been denied, in accordance

date of the Order to the County Board of Appeals. If you require

additional information concerning filing an appeal, please feel free to

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the

January 9, 1991

Very truly yours,

Zoning Commissioner

181.

887-3353

El West Chesapeake Avenue

Mr. and Mrs. Dale A. Poletvnski

Dear Mr. and Mrs. Poletynski:

with the attached Order.

cc: Peoples Counsel

Case No. 91-179-A

contact our Appeals Clerk at 887-3391.

RE: Petition for Residential Zoning Variance

951 N. Marlvn Avenue Baltimore, Maryland 21221

Towson, MD 2120a

House Meers Use Lunies (7 4725. Occ.) AREA REQUIREMENTS, & SIDE SECRACES For Conversion TOA Z FRANCE, RESIDENCE.

NOTE REVISED SITE PLANS Required: 10:30.90 Remanues 11-13-90 - 500A

| <u>.</u> |     |             | 181      |
|----------|-----|-------------|----------|
| PETITION | FOR | RESIDENTIAL | VARIANCE |

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Contract Purchaser:

City/State/Zip Code Attorney for Petitioner:

(Type or Print Name)

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in

- 12-3-9/

the description and plat attached hereto and made a part hereof, petition for a Yariance from Section \_ 1BO2.3.C. To allow a rear yard setback at an angle of 13 ft. to 32 ft. in lieu of 30 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (indicate hardship or practical difficulty) 14AP NE 3H F-3

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon-filing

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of [5 Baltimore County adopted pursuant to the Zoning Law for Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal

owner(s) of the property which is the subject of this Petition. Legal Owner(s):

Tippe or Print Mana)

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

DRIDERED by the Zoning Commissioner of Baltimore County, this 14-mutay of Nov., 19 90, that the subject matter of this petition be posted on the property on or before the 578 day of Dec. , 19 90 .

ORDER RECEIVED FOR FILING ZONING COMMISSIONER OF BALTIMUNE COUNTY

ZONING DESCRIPTION

difference County min Commission in I thin Pulling 111 West Chesapeake Avenue Towson, Maryland 21204 10/29/90 PRICE FUBLIC HEARING FEES 010 -ZONINB VARIANCE (IRL) 080 -POSTING SIGNS / ADVERTISING 1 X TOTAL: \$60.00 LAST NAME OF OWNER: POLETYNSKI 04A04#0023MICHRC BA COD3:02PM10-29-90

Please make checks payable to: Baltimore CountYEXT RUSINESS DAY

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commussioner

November 19, 1990

Mr. & Mrs. Dale A. Poletynski 951 N. Marlyn Avenue Baltimore, Maryland 21221



Re: CASE NUMBER: 91-179-A LOCATION: 480' W of centerline Bennett Road 951 N. Marlyn Avenue

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before November 28, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is December 13, 1990. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

> 3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

> > (301) 887-3391

BARTIMIPE DINTER MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: December 3, 1990 J. Robert Haines Zoning Commissioner

Pat Keller, Deputy Director Office of Planning and Zoning

> Edith May Souza, Item No. 166 Earlie E. and Linda R. Towe, Item No. 170 Roland H. and Darlene Farlow, Item No. 171 Kwan Woo Lee, Item No. 173 Harry E. Belsinger, et al., Item No. 175 Gary D. and Kathleen M. Stewart, Item No. 178 Dale A. and Cheryl Poletynski, Item No. 181 Bruce D. and Mary V. Frith, Item No. 182 Eileen C. Misler, Item No. 183 William M. and Constance M. Pitcher, Item No. 185 Key Federal Savings Bank, Item No. 186 Stephen D. and Wendy K. Mooney, Item No. 189 Brian D. and Tulia Briscoe, Item No. 193 Charles Henry and Vickie Jean Wallis, Item No. 195 Sharon Piaskowski, Item No. 196 Gary E. Stahl, Item No. 199 Keith E. and Terri L. Yeager, Item No. 201 Robert E. and Deborah L. Jennings, Item No. 202 Gloria P. Brown, Item No. 203 Robert E. and Karen F. Ege, Item No. 207 Javad Darbandi, Item No. 208 Thomas D. and Jeannette Considine, Item No. 209

Helen M. Yingling, Item No. 214 In reference to the Petitioners' requests, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm ITEMSMUL.TPL/ZAC1

received

Baltimore County Fire Department 700 East Joppa Road, Suite 901 Towson, Maryland 21204-5500 (301) 887-4500 Paul H. Reincke Chief

NOVEMBER 28, 1990

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

DALE A. POLETYNSKI RE: Property Owner: #951 NORTH MARLYN AVENUE Location:

Zoning Agenda: NOVEMBER 27, 1990 Item No.: 181 Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

PROPOSED PANHANDLE DRIVEWAY SHALL BE IN ACCORDANCE WITH BALTIMORE COUNTY BILL NO. 172-90 AND RESOLUTION NO. 52-89

Dennis F. Rasmussen
County Executive

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 2120+

887-3353

December 6, 1990

Mr. & Mrs. Dale A. Poletynski 951 N. Marlyn Avenue Baltimore, MD 21221

> RE: Item No. 181, Case No. 91-179-A Petitioner: Dale A. Poletynski, et ux Petition for Residential Variance

Dear Mr. & Mrs. Poletynski:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Enclosures

PETITION CHECKL

J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

ZONING ITEM #: 181 SUBJECT: PROPERTY OWNER: Dale A Poletynski, et ux 480' W of centerline Bennett Road (#951 LOCATION: 400 w of control North Marlyn Avenue) ELECTION DISTRICT: 15th COUNCILMANIC DISTRICT:5th

Leceined

BALTIMORE COUNTY. MARYLAND

INTER-OFFICE CORRESPONDENCE

NOVEMBER 15, 1990

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

( ) PROPOSED SITE PLAN DOES, DOES NOT. COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED. ( ) RAMPS (degree slope)

( ) PARKING LOCATION ( ) CURB CUTS NUMBER PARKING SPACES ( ) SIGNAGE ( ) BUILDING ACCESS ( ) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE

SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE. ( ) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN.

SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE

( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 ( BALTIMORE COUNTY BUILDING CODE). Assuming applicant has a legitimete permit there is no further

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

|     |     | JRA<br>DATE: 11-9-9 |
|-----|-----|---------------------|
| ist | 91- | 179-1               |

|  |     |    |          |     |         | € € | 7     |      | #   | F      |
|--|-----|----|----------|-----|---------|-----|-------|------|-----|--------|
| Before the above petition be corrected/included: | can | be | accepted | for | filing, | the | follo | wing | ite | ms mus |

Baltimore County Government

Your petition has been received and accepted for filing this

ZONING COMMISSIONER

Received By:

111 West Chesapeake Avenue

29th day of October, 1990.

Petitioner: Dale A. Poletynski, et ux

Petitioner's Attorney:

Towson, MD 21204

Zoning Commissioner Office of Planning and Zoning

887-3353

| Before the<br>De correc |      | _      |      | can | be   | acc   | epted  | for  | fili | ing, | the   | followin | ng | items | m |
|-------------------------|------|--------|------|-----|------|-------|--------|------|------|------|-------|----------|----|-------|---|
| <del>_</del>            | Item | number | must | be  | on a | all ; | papers | ; in | the  | file | e foi | lder.    |    |       |   |

|                 |  | <b>-^</b>       |
|-----------------|--|-----------------|
| <br>Item number | must be in ink (pencil does                            | not copy well). |
|                 | generated by computer (on ron material in folder and/o |                 |

Section information missing on petition forms. Not "original" signatures on all copies of petition forms.

Owner's name address and/or telephone number is not on petition forms. Need signature and/or printed name and/or title of person signing for

Need an attorney. "Red stamp" or closing information is not on petition form.

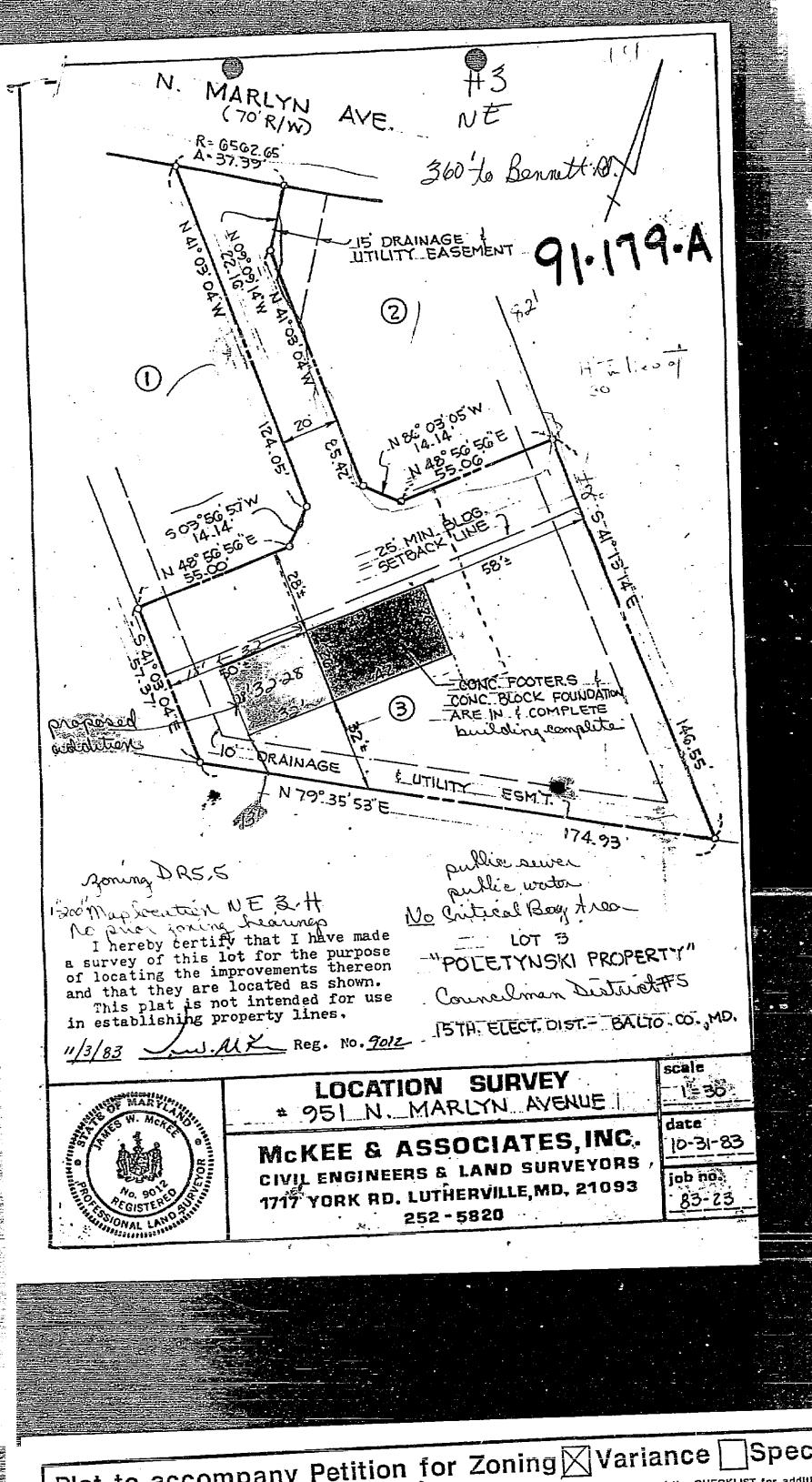
Following information is missing on the file folder: Petitioner's name Description Actual address

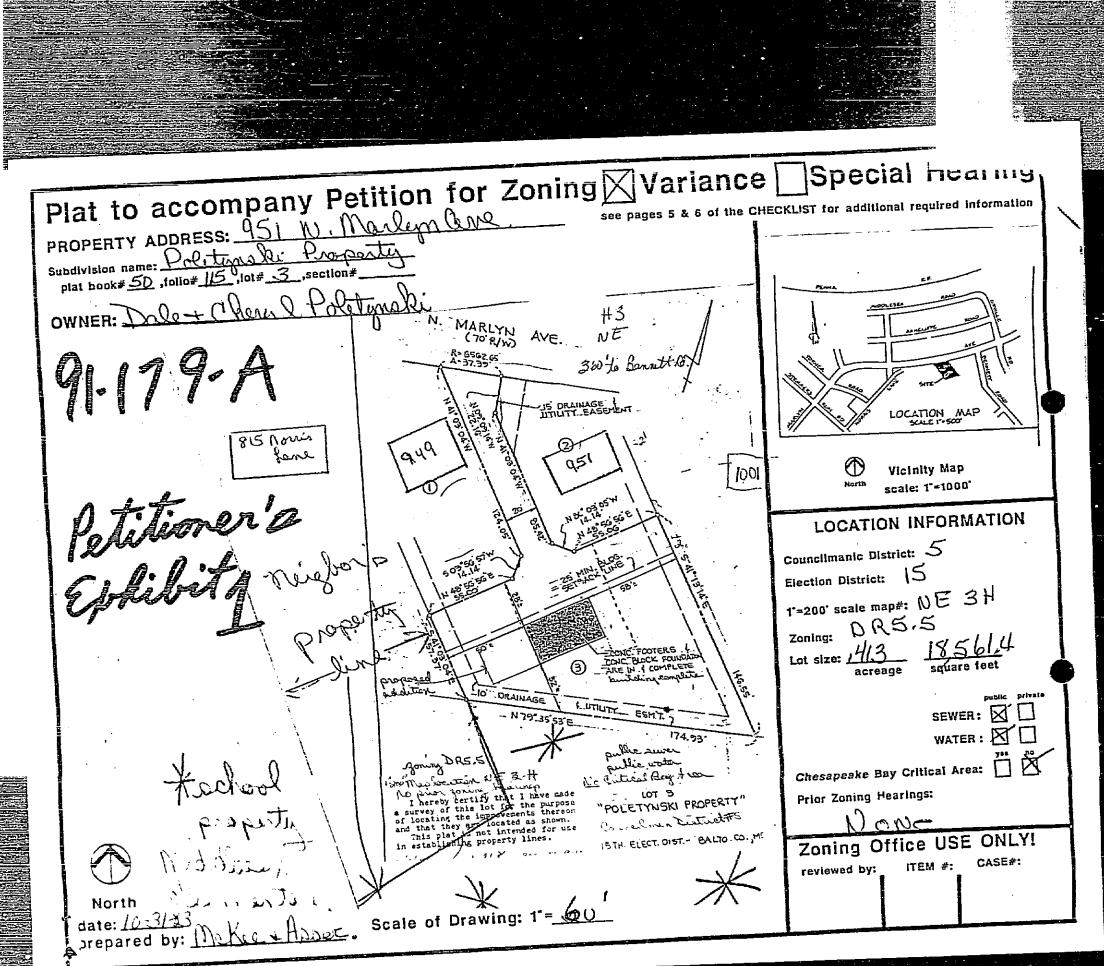
acreage election district councilmanic district Need 12 plats. Only \_\_\_\_ in folder.

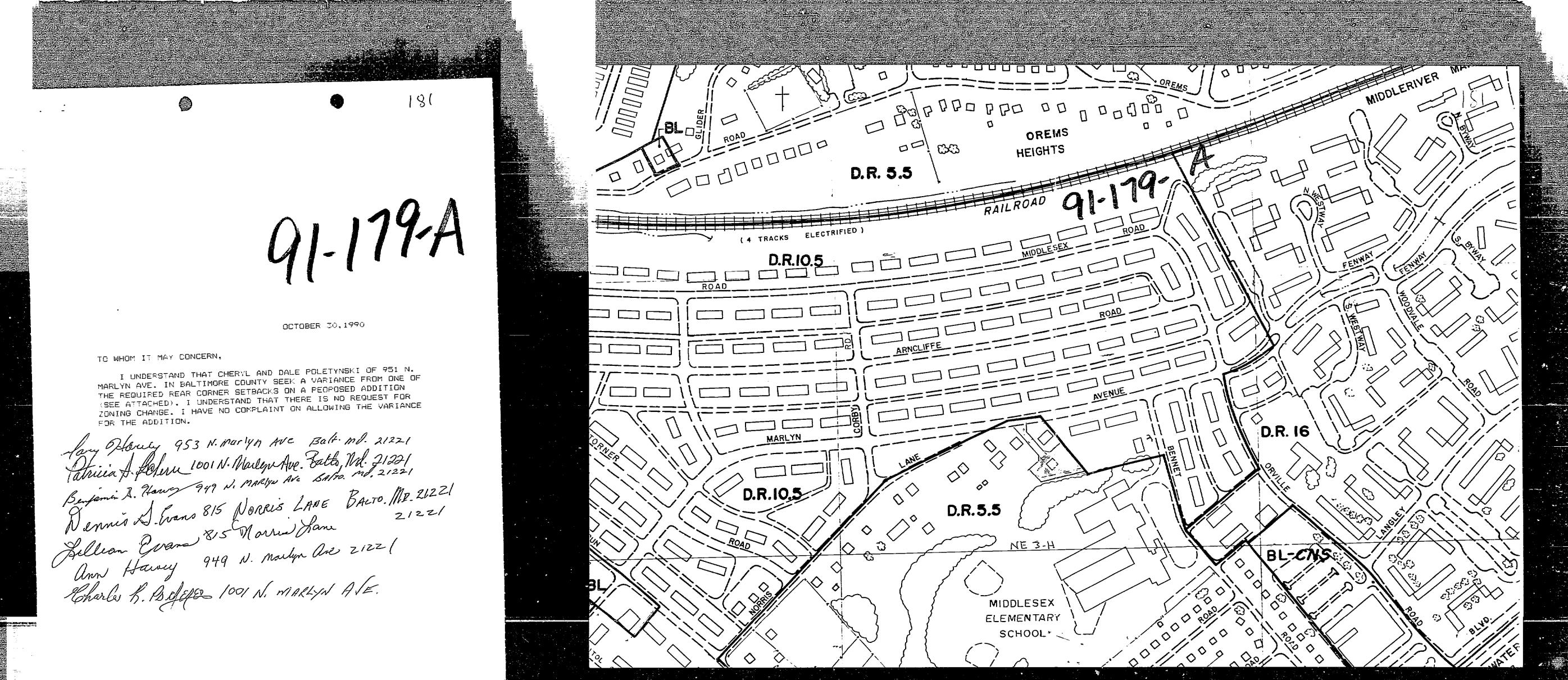
Plats need to be folded to 8-1/2" x 11".

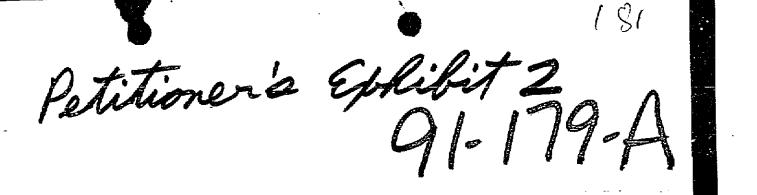
There is a difference in date between date taken in and date put in drawer for agenda. Put a note in the folder explaining this.

Hardship reason is not indicated on back of petition form.









This apartment is very important to our el. He will house our 91 year old uncle the family become blind and in very healthy but had recently become blind and taking card of home, personal business and yord had become impossible.

Granga bona cohast tea (bos est lla Grash & W

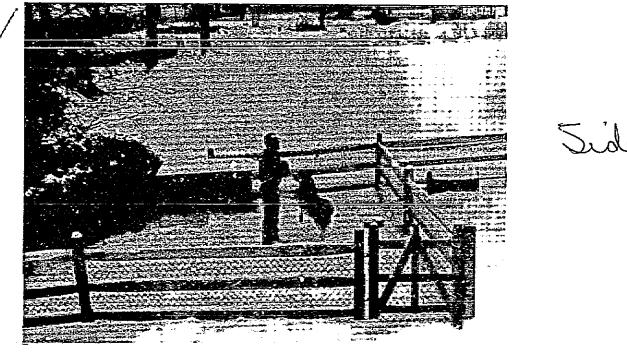
even cos noer ena toposhe atremeringer epatoral

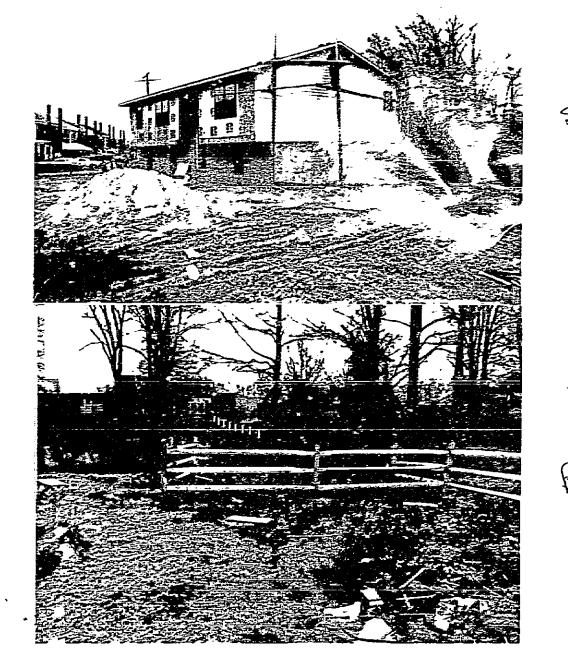
est fo remos no no hast tea beringer est enast

or as enil ytregorg est eauared histibba bearagar

esta contro show hartisho cint trug blues and come course course course course course course course show a sent ai grows entrants south and have been south and show at every course course course course course course course at constant and the course cour

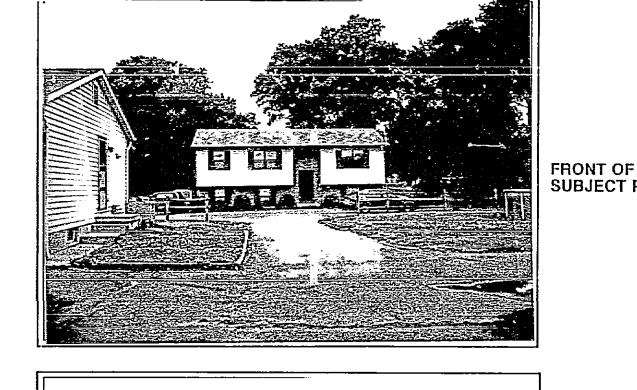
## CASE#: 91-179-A



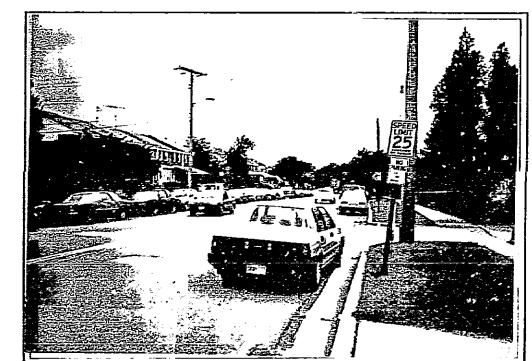


PETITIONER'S EXHIBIT #3

## CASE #: 91-179-A



REAR OF SUBJECT PROPERTY



JINEET GOLNE

PETITIONER'S EXHIBIT # 4